



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

DEC 9 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-133

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

**WARNING LETTER
and REQUEST FOR INFORMATION**

Mr. Austin Blackwell
Extreme Salmon LLC
19401 40th Avenue W, Suite 346
Lynnwood, Washington 98036

Mr. Austin Blackwell
2501 20th Place South, Suite 225
Birmingham, Alabama 35223

Re: July 17, 2014, NPDES Compliance Inspection
NPDES ID Number AKG520138

Dear Mr. Blackwell:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the July 17, 2014, federal Clean Water Act inspection of your facility. The purpose of the inspection was to gather information regarding your operation as part of an overall and ongoing evaluation of the compliance status of your facility with the Clean Water Act and the Seafood General Permit.

During the inspection, EPA found the following deficiencies:

BMP Plan: Parts V.C.2 and VI.A of the Permit state "During the term of this Permit all permittees shall operate in accordance with a Best Management Practices Plan."

During the inspection, no records were at the facility because you had finished processing for the year. On July 21st, the EPA inspector requested a copy of your facility's Best Management Practices (BMP) Plan. Jack Bunnell replied on August 8th stating that he and the quality assurance consultant were unclear what the BMP Plan looked like. The EPA inspector provided

an explanation of the BMP Plan to Mr. Bunnell via email on August 8th. On August 19th, the EPA inspector contacted Mr. Bunnell again via email requesting the BMP Plan. Mr. Bunnell responded that the quality assurance staff person would be in town later that week and then Mr. Bunnell would send this document. To date, EPA has not received the BMP Plan for your facility. Please note that failure to develop and implement a BMP Plan is a violation of Parts V.C.2 and VI.A of the Seafood General Permit.

Monitoring Logs: Parts V.C.1.d, V.C.1.e, V.C.5, and VI.D of the Seafood General Permit require permittees to conduct daily visual inspections of the waste conveyance system, grinder system, sea surface and shoreline. In addition, logs of these inspections must be kept at the facility.

Part V.C.1.d states “A permittee shall conduct a daily visual inspection of the waste conveyance system, including a close observation of the sump or other places of effluent collection for the removal of gloves, earplugs, rubber bands, or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater.”

Part V.C.1.e states “A permittee shall conduct a daily inspection of the grinder system during the processing season to confirm that the grinder(s) is (are) (1) operating and (2) reducing the size of the seafood residues to one-half inch or smaller. This will require inspecting the size of the ground residues reduced in grinding.”

Parts V.C.5 and VI.D explain the sea surface and shoreline monitoring requirements. In addition, Part VI.D.2, VI.D.3.a, and VI.D.3.b state “A permittee shall conduct a sea surface and shoreline monitoring program to determine compliance with the authorized mixing zone and Alaska water quality standards for residues...monitoring the sea surface will provide daily assessments of the presence and amounts of residues floating on the sea surface during...operation and discharge. Monitoring the shoreline will provide periodic assessments of the presence and amounts of residues deposited upon the shore during a facility’s operation and discharge.”

During the inspection, the required logs were not present at the facility because the facility had finished processing for the 2014 season. Subsequent to the inspection, Mr. Bunnell provided the “Outfall Log and Metrics” for the 2014 season to the EPA inspector. Due to the lack of a BMP Plan and the brief nature of the outfall log provided, it is unclear whether the facility has complied with all of the monitoring requirements outlined above.

For example, with regard to the visual inspection of the outfall line, the entry in the outfall log for June 16 and 24, 2014, under the column “Outfall Line - Visual of Line” states merely, “It’s there.” This suggests that the person who conducted the monitoring was unaware of specific Permit requirements for visual monitoring, which include identifying and estimating any areal extent of contiguous films, sheens or mats of foam within 100-foot radius of the end of the processing waste outfall and within 100 feet of the seaward physical boundary of the facility’s (e.g., docks and piers).

In addition, the outfall log Mr. Bunnell provided lacks a column to report information on required sea surface monitoring. Without this information, it is unclear whether monitoring was completed as required. Although the Permit does not specify a format for the monitoring logs, I have enclosed example logs that reflect the Permit requirements for your information. Please be aware that failure to monitor and report on the grinder, waste conveyance system, sea surface and shoreline violates Parts V.C.1.d, V.C.1.e V.C.5 and VI.D of the Seafood General Permit.

EPA urges you to review the Seafood General Permit and develop a plan for training your facility staff on monitoring the grinder, waste conveyance system, sea surface and shoreline in accordance with the Seafood General Permit, prior to the beginning of the 2015 processing season.

INFORMATION REQUESTED

As a result of these deficiencies, EPA requests that Extreme Salmon LLC submit:

1. A Best Management Practices Plan, developed in accordance with Part VI.A of the Seafood General Permit.
2. A description of the procedures and/or instructions you and your staff followed when completing the "outfall log and metrics" during the 2014 season. Also, identify any dates during which training was provided to staff who conduct the monitoring under the Seafood General Permit and a list of staff in attendance.

This information must be submitted to EPA within thirty (30) days of receipt of this letter. This information is requested pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The information requested above shall be signed and certified in accordance with the requirements of Part IX.E.4 of the Permit and submitted to the following address:

Tara Martich
U.S. Environmental Protection Agency, AOO
222 W. 7th Avenue #19
Anchorage, AK 99513

Failure to provide all information requested in this letter, failure to adequately explain the basis for such failure, or making any false material statement or representation in response to this Request for Information constitutes a violation of Section 308 of the Clean Water Act, 33 U.S.C. § 1308, and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and Title 18 of the United States Code, 18 U.S.C. § 1001.

It is EPA's goal to ensure that facilities comply fully with their permits, but the ultimate responsibility rests with the facility. As such, we encourage your company to continue its efforts to maintain full knowledge of the Permit requirements and to take appropriate measures to ensure full compliance.

If you have any questions or concerns regarding this matter, please contact Tara Martich, NPDES Compliance Officer, at (907) 271-6323.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Brian Doyle
Alaska Department of Environmental Conservation

GRINDER AND WASTE CONVEYANCE SYSTEM MONITORING LOG

For the grinder system inspection: Conduct a daily inspection of the grinder system during the processing season to confirm that grinders are operating and reducing the size of seafood waste to 0.5 inches or smaller in any dimension. If not, report the percentage that does not meet 0.5 inch and include the length of the largest piece. Failure of the one-half inch grind size shall be reported to ADEC and summarized in the annual report.

For the waste conveyance system inspection: Conduct a daily visual inspection of the waste conveyance system, including the sump or other places of effluent collection for gloves, earplugs, rubber bands or other items that may be entrained in the wastewater. Discharge of such items is prohibited.

AKG52 _____	Grinder System		Waste Conveyance System
Date/Time/Initials	Grinders operating? Y/N	Size reduced to 0.5 inch or smaller? Y/N	Report observations of foreign objects found and disposal location.

Name, Initials, Signature of Observer #1: _____

Name, Initials, Signature of Observer #2: _____

Name, Initials, Signature of Observer #3: _____

Name, Initials, Signature of Observer #4: _____

Comments:

SEA SURFACE AND SHORELINE MONITORING LOG

Sea Surface Monitoring: Record the daily incidence and areal extent of contiguous films, sheens or mats of foam. Note the probable cause.

Shoreline Monitoring: Record the occurrence and estimated areal extent of seafood waste, sludge, solids or emulsions.

[illegible]

Name, Initials, Signature of Observer #1: _____

Name, Initials, Signature of Observer #2: _____

Name, Initials, Signature of Observer #3: _____

Name, Initials, Signature of Observer #4: _____

Comments: